**IN THE HIGH COURT OF UTTARANCHAL**
**AT NAINITAL**

Writ Petition No. 1667 (SB) of 2002

Puran Chandra Pathak,
S/o late Sri Gauri Datt Pathak,
R/o Loharisaal Malla,
Post – Kathgharia,
Haldwani,
District – Nainital. **……..Petitioner.**

Versus

1. State of Uttar Pradesh through Secretary, Department of Education (Secondary), U.P. Shashan, Lucknow.
2. Director of Education, (Secondary), U.P. Allahabad.
3. Chief Accounts Officer, Director of Education, U.P., Allahabad.
4. Additional Director of Education, (Secondary), Education Directorate, U.P. Allahabad.

**……..Respondents**

**Hon'ble M.M. Ghildiyal, J**

Heard Sri Alok Mehra, holding brief of Sri Manoj Tiwari, learned counsel for the petitioner and Smt. Beena Pandey, learned Standing Counsel for State of U.P. on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

*a.* *Issue a writ, order or direction in the nature of Mandamus commanding the respondents to forthwith grant final pension to the petitioner with interest.*

b. *Issue a writ, order or direction in the nature of Mandamus commanding the respondents to pay*

*the amount of commutation with interest to the petitioner.*

c. *Issue any other suitable writ, order or direction, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case*

d. *Award the cost of the writ petition in favour of the petitioner.*

Learned counsel for the petitioner has submitted that petitioner was expired during the pendency of the writ petition. However, retrial benefits have already been paid by the respondent department, as such, writ petition has become infructuous.

In view of the aforesaid statement, writ petition is dismissed as infructuous. No order as to costs.

**(M.M. Ghildiyal, J)**

December 7, 2006
SKSharma